



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	State Board of Social Services
VAC Chapter Number:	22 VAC 40-200
Regulation Title:	Foster Care Guiding Principles
Action Title:	Comprehensive Update
Date:	June 18, 2003

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation describes the philosophy of foster care services of the Department of Social Services (Department) and local departments of social services. Specifically, children have the right to a safe, stable and permanent home, preferably with their families whenever possible. Further, children and families have the right to receive services designed to facilitate the safe return of the child to their family. When children cannot be returned to their family, children have the right to alternative permanent placements including placement with relatives, adoption, or permanent foster care. Older children have the right to receive services to prepare them for independence. Children, biological and foster families, other caretakers and local departments of social services are to be considered partners in the planning for permanency for the child.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Pursuant to § 63.2-217 of the Code of Virginia, (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-217>), the State Board of Social Services has authority to promulgate rules and regulations necessary for the operation of public assistance and social services programs.

Pursuant to § 63.2-900 et seq. of the Code of Virginia, (<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-900>) provides the statutory authority for developing principles, policies and procedures addressing the foster care process.

The regulation does not exceed the scope of the mandate.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comment was received during the notice period. No advisory group were used in this review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The goal of the regulation is to provide guiding principles for the provision of services of the Department of Social Services and local departments of social services to achieve permanency for children in foster care. The regulation effectively sets standards for service provisions to children that: focus on the best interests of children; ensure children have the right to a safe and stable home; support families in improving their capacity to nurture, carry out, and resume their responsibilities to their children; and ensure eligible youth receive independent living services. The regulation is necessary to protect the health, safety and welfare of children because it outlines service provisions related to children's rights to a safe, stable and permanent home. The regulation is clearly written and easily understandable by the individuals and entities affected.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

There is no better alternative for achieving the purpose of the existing regulation. The only alternative is to eliminate the regulation and incorporate sections into multiple regulations but this alternative would result in duplication and confusion.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The Department of Social Services recommends that the regulation be retained. Within six to eight months the process to repeal this regulation and replace it with a comprehensive regulation that includes all prevention and permanency regulations will begin.